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REMARKS

This response is intended as a full and complete response to the final Office Action mailed October 13, 2005. In the Office Action, the Examiner notes that claims 1, 3, 4, 9 and 30-32 are pending and rejected. In view of the following discussion, Applicants submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicant believes that all of the pending claims are now in allowable form.

REJECTIONS

AFFIDAVIT UNDER 37 C.F.R. §1.131

The Examiner has rejected claims 1, 3-4, 9 and 30-32 under 35 U.S.C. §102(a) as being anticipated by Doerr et al. 'Cross-connect-type wavelength add-drop node with integrated bank muxes, interleavers, and monitor' Doerr et al., Optical Society of America, 23-28 March 2003, p. PD33-1-3 vol. 3 of 3 vol. (v1+82+138) pp. 6 refs (hereinafter "Doerr").

Applicants submit that they conceived and reduced their invention to practice, as presently claimed, prior to the filing date of the publication date of Doerr article. In support of this submission, Applicants Christopher Richard Doerr and David S. Levy enclose an executed declaration under 37 CFR 1.131, which declares a conception date for the invention claimed in the above-identified patent application to be on or before March 22, 2003, and that due diligence was exercised toward reducing the invention to practice. In view of this declaration, the Doerr article is not prior art to Applicants' invention.

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CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

12/19/05

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